

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Services - I & CAD Department – Irregularities in execution of works to Rudraiah Codu drain from KM 8.60 to 10.00 - Institution of disciplinary action against Sri D. Venkata Rao, formerly Dy. Executive Engineer, Drainage Sub-division, Bhimavaram- imposition of the penalty of 5% cut in pension permanently on Sri D. Venkata Rao, formerly Dy. Executive Engineer, Drainage Sub-division, Bhimavaram, now retired, under Rule-9 of APRP Rules, 1980, besides recovery of an amount of Rs. 2,11,800/- towards his portion out of total amount of Rs.3.53 lakhs - Orders - Issued

IRRIGATION & CAD (SER.X.2) DEPARTMENT

G.O.Ms.No. 102

Dated:07.10.2010
Read the following:

1. G.O.Rt.No.1762, I&CAD (CAD.Ser.II) Dept., Dated 21.11.2002
2. G.O.Rt.No.1820, I & CAD (CAD. Ser.II) Dept., dt. 10.12.2002.
3. From Sri D. Bhaskara Rao, Member-COI, GAD, dt. 3.5.2003
4. From Sri D. Bhaskara Rao Member, COI, GAD, Lr.No. COI-M (DBR) I & CAD/73/2002, dt. 7.5.2003. dt. 7.5.2003.
5. Govt. Memo.No.5130/CAD.Sr.II.2/2002-5, dt. 4.8.2003.
6. From Sri D. Venkata Rao, EE(Retd.), repen. dt. 24.9.2003.
7. Memo.No.5130/Ser.X.2/2002-20, Dt: 06 .01.2009
8. From Sri D. Venkata Rao, EE(Retd.), repen. dt. 22.5.2010
9. Govt. Memo.No.5130/Ser.X.2/2002-30, Dt: 09 .08.2010
10. From Sri D. Venkata Rao, EE(Retd.), repen. dt. 16.8.2010
11. Govt. Lr. No.5130/Ser.X.2/2002-32, Dt: 24 .08.2010
12. From the Prl. Secretary, APPSC, Hyd. Lr.No. 1208/RT-1/3/2010, dt. 20.09.2010

&&

O R D E R

In the G.O., first and second read above, Govt. have issued orders appointing Sri D. Bhaskara Rao, Member, Commissionerate of Inquiries, General Administration Department as Inquiry Officer to conduct departmental inquiry into the irregularities committed by certain officers in the works relating to "Improvements to Rudraiah Codu Drain from KM 0.00 to 4.50; KM 4.50 to 6.00 and KM 8.60 to 10.00. The Inquiry Officer has conducted the Inquiries and submitted reports in reference third and forth read above.

Government have examined the reports of Inquiry Officer in respect of reach "Improvements to Rudraiah Codu Drain from KM.0.00 to 4.50 and KM 4.50 to 6.00 and observed that the Inquiry Officer in his findings has stated that Charge is partly proved. The Charge states that excess measurements were recorded in two reaches to allow undue advantage to the contractors. The Inquiry Officer in his findings has stated that though excess measurements have been recorded, the excess quantity cannot be exactly quantified. The Enquiry Officer has mentioned that there is no satisfactory explanation for huge variation in quantities noticed by the inquiry team, based on which charges were framed. Also, the inquiry Officer has mentioned that it is also pertinent to note that the same quantities were arrived at by the CERP Organisation, which corroborates the findings of the team. If, that be the case, then excess measurements computed could be taken as reasonable and therefore, the Charge can be held as proved in toto.

Government have examined the report of Inquiry Officer in respect of reach Improvements to Rudraiah Codu drain from KM.8.60 to 10.00 and observed that the Inquiry Officer in his findings has stated that Charge-I is partly proved and charge-II not pressed in view of the findings in respect of charge-I. The charge-I which is the main charge stated that excess measurements were recorded to allow undue advantage to the contractor in connivance with each other. Charge-II speaks about the loss of Rs. 1.66 lakhs because of excess measurements. The Inquiry Officer in his findings stated that though excess measurements have been recorded, the excess quantity cannot be exactly quantified. The Inquiry Officer mentioned that there is no reason to doubt the authenticity of the pre-levels taken by the CERP unit. If, that is the case, then the excess measurements computed could be taken as reasonable and therefore, the Charge-II also can be held as proved.

In the reference 5th read above, the Government have communicated the copies of the Inquiry Officers reports duly indicating disagreement factors on the findings of Inquiring authority, with a direction to submit his explanation if any. In the reference 6th read above, Sri D Venkata Rao, formerly Deputy Executive Engineer, and Executive Engineer (Retd.) has submitted his explanation on the findings of the Inquiring authority.

After careful examination of the matter, Government have decided to impose a penalty of withholding of entire pensionary benefits on Sri D.Venkata Rao, Executive Engineer (Retd.) in terms of orders issued in G.O. Ms. No.2, GAD (Ser-C) Deptt., dt. 4-1-1999 read with Rule -9 of APRP Rules , 1980 and also to recover an amount of Rs. 2,11.800/- towards his share of excess amount paid in the executing of the work of improvements to Rudraiah Codu Drain, and issued Show cause notice to him, under Rule -9 of APRP Rules, 1980 in the reference 7th read above .

In the reference 8th read above, Sri D Venkata Rao, formerly Deputy Executive Engineer and Executive Engineer (Retd.) has submitted a representation requesting the Govt. to release his entire retirement benefits instead of proceeding further as per the provisional decision taken by the Govt., as he was facing financial trouble in meeting his medical expenditure, etc.

Govt. after examining of the representation of the charged officer, it was decided to impose a penalty of 5% cut in pension permanently against Sri D.Venkata Rao, EE(Retd.) under Rule -9 of APRP Rules, 1980 instead of impose a penalty of withholding of entire pensionary benefits, and also to recover an amount of Rs. 2,11.800/- towards his share of excess amount paid in the executing of the work of improvements to Rudraiah Codu Drain, total quantified amount of Rs.3.53 lakhs , and issued revised show cause notice to the charged officer . In the reference 10th read above, Sri D.Venkata Rao, EE (Retd) has submitted his representation requesting the Govt. to drop further action against him and to release pensionry benefits .

After careful examination of the representation of Sri D.Venkata Rao, EE (Retd.), Govt. have confirmed the proposed penalty of 5% cut in pension permanently on Sri D.Venkata Rao, EE (Retd.), besides recovery of Rs. 2,11,800 /- (Rupees two lakhs eleven thousand eight hundred only) towards his share of total amount of Rs.3.53 lakhs loss caused to the Government. Accordingly, Govt. hereby order to impose a penalty of 5% cut in pension permanently on Sri D.Venkata Rao, EE retired, under rule 9 of A.P. Revised Pension Rules, 1980 for the irregularities committed by him in the works relating to "Improvements to Rudraiah Codu Drain besides recovery of Rs. 2,11,800 /- (Rupees two lakhs eleven thousand eight hundred only) towards his share of total amount of Rs. 3.53. lakhs loss caused to the Government. A copy of the letter 12th read above is enclosed, wherein the A.P. Public Service Commission has agreed to the proposal of the Govt.

The Engineer –In- Chief (AW) , I&CAD Department , Hyderabad shall take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri D. Venkata Rao, formerly Deputy Executive Engineer
Drainage Sub-division, Bhimavaram & now retired ,
through Engineer-In-Chief(Admn.Wing) Hyderabad.

Copy to:

The Engineer-In-Chief (Admn.Wing) Hyderabad.
The Principal Secretary , A. P. P.S.C., Hyderabad
The Accountant General, Andhra Pradesh, Hyderabad.
The Secretary , A.P. Vigilance Commission , Hyderabad
SF/SC

//FORWARDED: : BY ORDER//

SECTION OFFICER